

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

APR 19 2010

UNITED STATES OF AMERICA :

v. :

Case No. 10 CR135

PHILLIP KELLEY, :

Defendant. :

MOTION FOR REASONABLE BOND

PLEASE TAKE NOTICE that on Monday, 19 April 2010, defendant, through counsel will request that this Court set reasonable conditions of release pending trial in this case. In consideration of this question, this Court is asked to consider the following:

1. Phillip Kelley has been a lifelong resident of the D.C. area.
2. He has a family that are lifelong residents of the District of Columbia, his mother is also a homeowner there. His family includes a District of Columbia Commissioner, who is his sister, as well as aunts uncles and cousins. His fiancé has been on the District of Columbia police force for 20 years. Mr. Kelley enjoys family and community support. (See attached letters)
3. He has worked in car sales for the last 14 /15 years winning numerous awards for his abilities and talents. In 2008, for example, he won four (4) awards and two (2) in 2009.
4. Mr. Kelley has no failures to appear and will honor his duty to this Court if released.

The Law Offices of

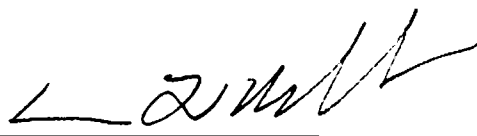
MARVIN D. MILLER

P.O. BOX 663 • ALEXANDRIA, VA 22313 • TELEPHONE (703) 548-5000 • FAX (703) 739-0179

5. In order to be able to meet his obligations, Mr. Kelley needs to maintain his employment. He works six (6) days per week, every week, and has an uninterrupted history of reporting for work in a timely and consistent manner.
6. The allegations, to the extent they are understood, indicate that Mr. Kelley has been out of any criminal activity for a period of some months. The allegations, as understood, also indicate that he was not long involved in the alleged criminal activity.
7. Mr. Kelly has a law enforcement officer with 20 years experience who is willing to take third party custodianship of him to see that he complies with any conditions this Court may set.
8. It cannot be said that there are no conditions of release that can be set for his release.

WHEREFORE, the premises considered and such other matters as may become evident at a hearing hereon, which hearing is hereby requested, the defense requests this Court to grant the relief sought and such other further relief as in the cause is deemed just.

PHILLIP KELLY
By Counsel


MARVIN D. MILLER, ESQ.
Counsel for Defendant
1203 Duke Street
Alexandria, VA 22314
(703) 548-5000
VA BAR No. 1101

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been hand-delivered this
19th day of April 2010 to Scott Nussbaum, Esq., Office of the United States Attorney, 2100
Jamieson Avenue, Alexandria, VA 22314.


MARVIN D. MILLER, ESQ.

The Law Offices of

MARVIN D. MILLER

P.O. BOX 663 • ALEXANDRIA, VA 22313 • TELEPHONE (703) 548-5000 • FAX (703) 739-0179

April 17, 2010

*Ms. Kindra Beamon
WakeEmUp Foundation
4414 New Hampshire Ave NW
Washington, DC 20010
(202) 829-1345*

To Whom It May Concern,

It gives me great pleasure to submit this document on behalf of Mr. Phillip Kelly. Over the pass few years, I have had the pleasure to interact with Mr. Kelly on a monthly basis. He is a very dependable and honest man. Before starting the WakeEmUpFoundation, Mr. Kelly has worked with me in the past on programs providing assistance with "Back to School Giveaways", "Christmas Toy Drives", and Feeding the Homeless for Thanksgiving". He has worked with several youth mentoring and providing tutoring within the community. Under his direction children were taught fun ways of learning, the importance of education, and behaviors that could contribute to a very successful future.

Mr. Kelly appreciates the need to help with positive activities during his free time and his presence in such a program brings me comfort and confidence.

If it weren't for volunteers like Mr. Kelly programs like this wouldn't exist. Mr. Kelly still maintain relationships with some students, some who have now gone to college.

I hope this information is helpful to you. If you have any additional information please contact me at (202) 829-1345.

Sincerely,


Kindra Beamon



Third District

1620 V Street, NW, Washington, D.C., 20009 (202) 673-6820 FAX (202) 671-2433

March 31, 2010

To Whom It May Concern:

My name is Officer Lynette Sweetwine I have been a DC Police Officer for 20 years. I have been knowing Phillip for a year and in my time being in his life I can honestly say that he is truly a good person with a great big heart he is never selfish and always willing to give a hand to anyone in need especially to the elderly and children. He always put others before himself. Phillip is a hard worker and loves his job being a sales representative for Pohanka in Marlow Hgts Md. When he showed me several of his plaques he was so excited that he received employee of the month again I told him to keep up the good work. If Phillip is given a chance to be released I am willing to be in third party custody and will ensure he comes to all of his court dates and abide by the judges decisions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynette Sweetwine".

Lynette Sweetwine

April 19, 2010

Ms. Renise Short
Brest Cancer Awareness Foundation
123 Bryant Street NW
Washington, DC 20001
(202) 468-8043

To Whom It May Concern,

It gives me great pleasure to submit this document on behalf of Mr. Phillip Kelly. Over the pass few years, I have had the pleasure to interact with Mr. Kelly on a project for Brest Cancer Awareness. He is a very dependable and honest man. Before starting the Brest Cancer Awareness Foundation, Mr. Kelly has worked with me in the past on programs providing assistance with "Walks for Brest Cancer." Mr. Kelly's appreciates the need to help with positive activities during his free time and his presence in such a program brings me comfort and confidence.

I hope this information is helpful to you. If you have any additional information please contact me at (202) 468-8043.

Sincerely,


Renise Short

*From the Desk of District of Columbia Housing Authority Family Commissioner
Aquarius Vann-Ghasri*

Ref: Phillip Kelly

To Whom It May Concern,

I writing on behalf, of Phillip Kelly. Mr. Kelly, a judiciary challenge individual, since his incarceration, has been gainful in employed for approximate 14 years, as a car salesman, along with being a upright retry resident of society.

Mr. Kelly on his schedule days with his siblings is assisting with his mother (Harriet Kelly, who is a cancer patience with transportation to her Chemotherapy and Doctors appointments. I am Mr. Kelly's sister, he has been very helpful assisting me with impactive workshops for "At Risk Youth" in the communities of the District of Columbia Public Housing Families Communities. I consult with Mr. Kelly, when I have contacted Nonprofit organization to do Presentations on the subject matter "Youth and Human Rights" a campaign in which I am very active with.

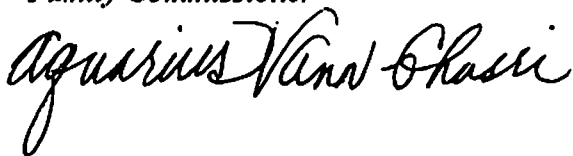
Mr. Kelly, prove that he is leading a life of society, without crime. Attending church on Sunday, which 14 years ago, I would not have been able to write such words. I have seen a change in my brother's behavior. A brother, whose working gainfully, assisting with the responsibilities in a timely manner of providing schedule transportation to his mother, a brother whose the system rehabilitated.

Sincerely,

Aquarius Vann-Ghasri

District of Columbia Housing Authority

Family Commissioner



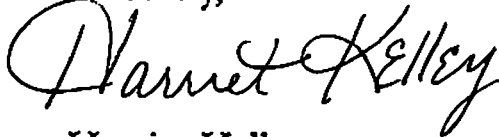
April 19, 2010

80 New York Ave NW #202
Washington D.C 20001

To Whom It May Concern:

My name is Harriet Kelley of 80 New York Ave. NW Washington D.C. 20001 mother to Phillip Kelley. Phillip was born and raised in Washington DC and has lived here all his life. Phillip Kelley has worked in the Car Sales business ten years or more and has received numerous of Sales Leaders Awards of the month. Phillip is a very dependable trustworthy, reliable, and a very appreciative son. Phillips father has been deceased since July 8, 1965 and I raised him to be a respectable gentlemen. I am 72 years old and was diagnosed with cancer since 2005. I know if Phillip is released from the detention center he will do whatever you ask and comply to your rules and regulations.

Sincerely,

A handwritten signature in cursive script that reads "Harriet Kelley". The signature is written in dark ink and is positioned above the printed name.

Harriet Kelley

April 13, 2010

To Whom It May Concern:

My name is Kia Roach. I am writing you on behalf of Phillip Kelley whom I have known for several years in Washington, DC. He is such a positive person, and I have never known him of conducting himself in a negative manner, or contributing to unproductive or non-positive activities. He possesses a spirit of honesty and determination. He is willing to provide and extend himself beyond measure to those in need.

He is a very upstanding gentleman on his job at Pohanka of Marlow Heights, his church and in his community. Please accept this letter as a character reference. Mr. Kelley has a love for his family and his job at Pohanka of Marlow Heights.

Sincerely,


Kia Roach

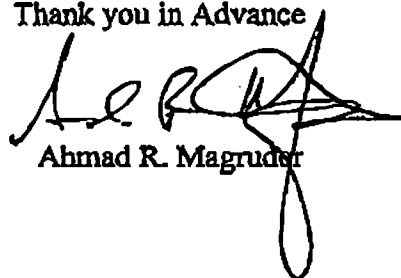
04/19/2010

From Ahmad Magruder U/C Mgr c/o Pohanka Automotive Group

Re Phil Kelly

To Whom It May Concern: This letter is to show proof that Mr. Kelly has, and is currently employed and in excellent standing with our company. Mr. Kelly has been a sales consultant, for our company for a little more than three years and is one of our top performers. In my fourteen years in the automotive sales field, I have not seen to many like Mr. Kelly, hardworking, team player, helpful and courteous to all. Mr. Kelly is a valued employee, and has been missed even in this short period of time. In closing I will say to you, something I say to my customers. " Sometimes bad things happen to good people" If you have any questions, please feel free to contact me @ 301-423-1100.

Thank you in Advance

A handwritten signature in black ink, appearing to read 'A. R. Magruder', with a large, stylized flourish extending from the bottom right.

Ahmad R. Magruder